

Message

From: Gordon, Lisa Perras [Gordon.Lisa-Perras@epa.gov]
Sent: 11/16/2018 11:50:49 AM
To: Wetherington, Michele [Wetherington.Michele@epa.gov]; Bouma, Stacey [Bouma.Stacey@epa.gov]; Cooper, Jamal [cooper.jamal@epa.gov]; Able, Tony [Able.Tony@epa.gov]
Subject: RE: GA Narrative Water Quality Standards

Thanks, Michele. When asked about this by our HQ folks in OST yesterday, we noted, as you said below, it was simply an issue of not receiving the needed information required by 131.6. I told them this was a clean one where we recommended disapproval for lack of justification on one provision. We were told that Anna Wildeman, David Ross' special assistant, believes that EPA should not augment or try to justify a new provision where the state has failed to do so. They seemed fine with it. Hopefully OGC will feel the same. Let me know if you hear anything more.

Just FYI. We have not provided the submittals to our counterparts in OST. And...Tony checked yesterday with our front office and with Trey and Jeananne being out, and Mary on travel, it appeared that there was not any action on the package we sent down last Thursday. Once we get the word that we can do the partial approval/disapproval, we'll run it past OST. If we are told to approve or take no action, there'll be no need to do so. Let me know what you hear and I'll do the same.

From: Wetherington, Michele
Sent: Thursday, November 15, 2018 5:33 PM
To: Gordon, Lisa Perras <Gordon.Lisa-Perras@epa.gov>; Bouma, Stacey <Bouma.Stacey@epa.gov>; Cooper, Jamal <cooper.jamal@epa.gov>
Subject: FW: GA Narrative Water Quality Standards

FYI, Leif mentioned the GA narrative revisions on his OGC call this morning. Matt Leopold was interested in more info. Suzanne Rubini asked me to connect with someone in OGC to get them more info. Then I got the below chain from Carol.

I've spoken with Lee Schroer just now, and sent Lee the RA Briefing Sheet, both of GA's submittals to us, and our letter request for more info. I said that staff's recommendation to Jeananne was sustaining the partial disapproval and that she would talk to Trey about it. We have not heard back what Trey's preferred path forward is. (On the phone, Lee wanted to know how the state justified the word unreasonably as being protective. I said they didn't, and that FWS cant do a species effects analysis without a definition of it. He said yea.)

Michele

From: Baschon, Carol
Sent: Thursday, November 15, 2018 3:04 PM
To: Schroer, Lee <schroer.lee@epa.gov>
Cc: Wetherington, Michele <Wetherington.Michele@epa.gov>
Subject: RE: GA Narrative Water Quality Standards

Lee -- Michele Wetherington is working on this issue.

Michele -- have you talked with anyone in OGC yet?

Carol F. Baschon
Office of Regional Counsel
EPA Region 4
61 Forsyth Street, SW

Atlanta, GA 30303-3104

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From: Schroer, Lee
Sent: Thursday, November 15, 2018 3:00 PM
To: Baschon, Carol <Baschon.Carol@epa.gov>
Subject: FW: GA Narrative Water Quality Standards

Carol,

Do you know who is working on this issue? And whether they have engaged with OGC? I just need to respond to David.

Lee C. Schroer
Office of General Counsel (Mail Code 2355A)
Room 7518 C William Jefferson Clinton North Building
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Tel: 202-564-5476

From: Fotouhi, David
Sent: Thursday, November 15, 2018 2:17 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: Fwd: GA Narrative Water Quality Standards

Are we working with R4 on this?

Sent from my iPhone

Begin forwarded message:

From: "Palmer, Leif" <Palmer.Leif@epa.gov>
Date: November 15, 2018 at 12:11:46 PM EST
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Cc: "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>
Subject: Fwd: GA Narrative Water Quality Standards

Here is a short paper we gave to Trey on Friday. He has had a preliminary briefing but we've not given him a final briefing.

The clock to approve/disapprove has expired. The Southern Environmental Law Center is closely watching this.

Sent from my iPhone

Begin forwarded message:

From: "Rubini, Suzanne" <Rubini.Suzanne@epa.gov>
Date: November 9, 2018 at 2:45:07 PM EST
To: "Glenn, Trey" <Glenn.Trey@epa.gov>
Cc: "Palmer, Leif" <Palmer.Leif@epa.gov>, "Gettle, Jeaneanne" <Gettle.Jeaneanne@epa.gov>, "Ashbee, Blake" <ashbee.blake@epa.gov>
Subject: GA Narrative Water Quality Standards

Trey – attached is a legal analysis of the various options available to EPA. Please let me know if you have any questions.

Thanks,
Suzanne